

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, }
Plaintiff, }
-vs- }
ALEXANDER QUINTANA, }
Defendant. }
NO. CR-07-2034-WFN-1
ORDER
**UNITED STATES MARS
ACTION REQUIRED**

A telephonic hearing was held on July 15, 2009. The Defendant, who is in Bureau of Prisons custody, was not present on the call but was represented by Assistant Federal Defender Kraig Gardner; Assistant United States Attorney Thomas Hanlon represented the Government.

The Court and parties reviewed the status of the matter. Yesterday, the Ninth Circuit Court of Appeals, reversed this Court's ruling on Defendant's Motion to Suppress (Ct. Rec. 35) and remanded with instructions to grant the Motion (Ct. Rec. 97). The reversal was based on *Arizona v. Gant*, ____ S. Ct. ____, 2009 WL 1045962 (April 21, 2009).

The Government made an oral motion to dismiss the indictment with prejudice.

The Court has reviewed the file and is fully informed. Accordingly,

IT IS ORDERED that:

1. Mr. Quintana's Motion to Suppress, filed June 11, 2007, **Ct. Rec. 35**, is
GRANTED.

2. The Government's oral motion to dismiss the Indictment with prejudice is **GRANTED**. The Indictment is **DISMISSED WITH PREJUDICE**.

1 3. The United States Marshals Service shall **immediately advise the Bureau of**
2 **Prisons** that Mr. Quintana is to be **RELEASED FROM INCARCERATION.**

3 The District Court Executive is directed to file this Order and provide copies to
4 counsel of record, United States Probation Officer Sean Carter **AND TO** the Yakima United
5 States Marshals Office.

6 **DATED** this 15th day of July, 2009.

7
8 07-15

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE